THE

MYSORE GAZETTE.

Published by Authority.

BANGALORE, SATURDAY, JUNE 23, 1883.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Acts and Regulations passed by His Highness the Maharaja of Mysore.

REGULATION I OF 1883.

THE MYSORE CIVIL COURTS REGULATION, 1883.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the constitution, powers and jurisdiction of the Civil Courts in the Territories of Mysore subordinate to the Court of the Chief Judge of Mysore, His Highness the Maharaja is pleased to enact as follows:—

Short title.

1. This Regulation may be called "The Mysore Civil Courts Regulation, 1883."

Local extent.
Commencement.

It extends to the whole of the Territories of Mysore and it shall come into force on the 1st day of JULY 1883.

Rules repealed.

2. From and after that day, the Notification of the Government of India No. 235 I. J., Foreign Department, dated Simla, the 27th of August 1879, shall be repealed.

Class and designation of Courts.

3. Besides the Court of the Chief Judge of Mysore, which shall hereafter be styled "The Chief Court of Mysore," there shall be three classes of Civil Courts, namely—

1*stly*. The District Court.

2*ndly*. The Court of the Subordinate Judge.

3*rdly*. The Court of the Munsiff.

Number of Courts.

4(*a*). The number of District Courts and of the Courts of Subordinate Judges and Munsiffs shall be fixed, and may, from time to time, be altered by the Government of Mysore.

Locality of Courts.

(*b*). The place at which every such Civil Court shall be held shall be fixed, and may, from time to time, be altered by the Government of Mysore.

(*c*). The Judge of every such Civil Court shall be appointed by the Government of Mysore, provided that the appointment of a Munsiff shall be made only upon nomination by the Chief Court of Mysore.

Appointment of Judges.

(*d*.) Every such Civil Court shall use a seal of such form and dimensions as are, for the time being, prescribed by the Government of Mysore. The seal now used by every such Civil Court shall be deemed to have been prescribed under this Section.

Seal of Court.

5. The Government of Mysore may fix, and may, from time to time, alter the local limits of the jurisdiction of a District Court or of the Court of a Subordinate Judge or Munsiff. The present local limits of the jurisdiction of every such Court shall be deemed to have been fixed under this Regulation.

Local jurisdiction of Courts.

6. The jurisdiction of the District Court shall extend, subject to the rules contained in the Code of Civil Procedure, to all original suits and proceedings of a civil nature.

Jurisdiction of District Court.

7. The District Court shall be deemed to be the principal Civil Court of original jurisdiction within the local limits of its jurisdiction.

The principal Civil Court in the District.

8. The District Court shall, subject to the general control of the Chief Court of Mysore, have control over all Civil Courts within the limits of its local jurisdiction.

Control of Subordinate Courts in the District.

9. The jurisdiction of a Subordinate Judge shall extend to all original suits and proceedings of a civil nature, not otherwise exempted from his jurisdiction, of which the amount or value of the subject-matter does not exceed Rs. 5,000.

Jurisdiction of Subordinate Judge.

10. The jurisdiction of a Munsiff shall extend to all like suits and proceedings, not otherwise exempted from his jurisdiction, of which the amount or value of the subject-matter does not exceed Rs. 1,000.

Jurisdiction of Munsiff.

11. When the subject-matter of any suit or proceeding is land, a house or a garden, its value shall, for the purposes of the jurisdiction conferred by this Regulation, be fixed in manner provided by the Court Fees Act, 1870, Section 7, Clause 5.

Valuation of suits.

12. Appeals from the decrees and orders passed in original suits and proceedings by a District Court shall, when such appeals are allowed by law, lie to the Chief Court of Mysore.

Appeal from District Courts.

13. Appeals from the decrees and orders passed by a Subordinate Judge in original suits and proceedings shall, when such appeals are allowed by law, lie to the Chief Court of Mysore, except when the amount or value of the subject-matter of the original suit or proceeding does not exceed Rs. 3,000, in which case the appeal shall lie to the District Court having local jurisdiction.

Appeal from Subordinate Judge.

14. Appeals from the decrees and orders of a Munsiff in original suits and proceedings shall, when such appeals are allowed by law, lie to the District Court having local jurisdiction.

Appeal from Munsiff.

Provided that such District Court may refer any such appeal for disposal to any Subordinate Judge within the limits of its local jurisdiction.

15. A second appeal from a decree or order passed by a District Court or by the Court of a Subordinate Judge in an appeal suit or proceeding shall, when such appeal is allowed by law, lie to the Chief Court of Mysore.

Second Appeals.

16. The Government of Mysore may, by Notification in the *Mysore Gazette*, invest, within such local limits as it shall from time to time appoint, any Subordinate Judge or other officer specially selected by it, with the jurisdiction of a Court of Small Causes, for the trial of suits cognizable by such Court up to any amount not exceeding Rs. 500;

Small Cause Powers.

and any Munsiff, with the same jurisdiction up to any amount not exceeding Rs. 50;

and it may, by like Notification, withdraw or alter the jurisdiction so vested.

17. Where in any suit or proceeding it is necessary for any Court under this Regulation to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution,

Law applicable to questions of succession, &c.

(*a*) the Muhammadan Law in cases where the parties are Muhammadans, and the Hindu Law in cases where the parties are Hindus, or

(*b*) any custom (if such there be) having the force of law and governing the parties or property concerned,

shall form the rule of decision, unless such law or custom has, by legislative enactment, been altered or abolished.

(*c*) In cases where no specific rule exists, the Court shall act according to justice, equity and good conscience.

18. No Judge shall try any suit to, or in, which he is a party or personally interested or shall adjudicate upon any proceeding connected with, or arising out of, such suit.

Judge not to try suits in which he is interested.

No Judge shall try any appeal against a decree or order passed by himself in another capacity.

Or appeals from his decrees passed in another capacity.

When any such suit, proceeding or appeal comes before any such Judge, he shall report the circumstances to the Court to which he is immediately subordinate.

The superior Court shall thereupon dispose of the case in the manner prescribed by the Code of Civil Procedure, Section 25.

19. Any District Judge, Subordinate Judge or Munsiff may, for any misconduct, be suspended or removed by the Government of Mysore.

Suspension or removal of Judges.

20. The Chief Court may suspend any Munsiff for any alleged misconduct, and may either itself enquire into such alleged misconduct or appoint a commission for enquiring thereinto.

Suspension or removal of Munsiffs.

On the completion of such enquiry held by itself, or on receiving the report of the commission appointed to conduct such enquiry, the Chief Court may, if it thinks fit, and subject to the confirmation of Government, remove the Munsiff from office or suspend him or reduce him to a lower grade.

21. The ministerial officers of every Court shall be appointed, and may be suspended or removed, by the Judge of that Court. The orders of appointment, suspension or removal passed by Subordinate Judges and Munsiffs shall be subject to the approval of the District Court, and the orders of appointment to, and suspension and removal from, offices the monthly salary of which exceeds Rs. 50, when passed by a District Court, shall be subject to confirmation by the Chief Court of Mysore. Every appointment to a ministerial office shall be made subject to such rules as the Government of Mysore from time to time prescribes in this behalf.

Appointment, &c. of ministerial officers.

22. The Chief Court of Mysore may permit the Civil Courts under its control to adjourn from time to time for periods not exceeding in the aggregate six weeks in each year in addition to public holidays authorized by the Government of Mysore.

Vacation.

K. SHESHADRI IYER,
Dewan of Mysore.